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**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

10 CRISTOBAL MELCHOR MARTINEZ, an  
11 individual,

12 Plaintiff,

13 v.

14 UNITED STATES POSTAL SERVICE; DOE  
15 EMPLOYEE; ROE GOVERNMENT  
16 ENTITY; DOE OWNER, I-V; DOE DRIVER,  
17 I-V; ROE EMPLOYER, and ROE  
18 COMPANIES, inclusive,

Defendant.

CASE NO.: 2:23-cv-00363-JCM-NJK

**STIPULATION TO EXTEND**  
**DEFENDANT'S TIME TO ANSWER**  
**PLAINTIFF'S COMPLAINT**

**(Third Request)**

19  
20 COME NOW PLAINTIFF CRISTOBAL MELCHOR MARTINEZ by and through his  
21 attorney, **Mahna Pourshaban, Esq.** of the Law Offices of **GINA CORENA & ASSOCIATES**  
22 and DEFENDANT UNITED STATES POSTAL SERVICE, by and through attorney **Skyler H.**  
23 **Pearson, Esq.** of the **UNITED STATES JUSTICE DEPARTMENT**, and hereby stipulate to  
24 extend the time for Defendants to respond to Plaintiff's Complaint.

25 The parties have previously stipulated that the time would be extended to April 17, 2023  
26 (60 days from the date of service) and subsequently to May 5, 2023 (78 days from the date of  
27 service). The parties now stipulate to extend to **May 20, 2023**.  
28

1 The basis for this stipulation is as follows:

2 1. This action was originally brought in the Eighth Judicial District, Clark County,  
3 Nevada. The named federal defendants are Phillip Christopher Duquaine and the United States  
4 Postal Service.

5 2. On March 8, 2023, the United States filed a Notice of Removal, removing the action  
6 from state to federal court.

7 3. Rule 81(c) of the Federal Rules of Civil Procedure provides the time in which a  
8 Defendant must answer an initial pleading in a removed action. The time provided is the later of  
9 21 days after receipt or service of the initial pleading or seven days after the removal. *See* Fed. R.  
10 Civ. P. 81(c). However, a federal officer or agency would ordinarily be permitted a response  
11 time of 60 days following proper service to respond pursuant to the Federal Rules. *See* Fed. R.  
12 Civ. P. 12(a)(2).


13 4. Since the time of the Court's order (ECF No. 4) granting the parties' stipulation (ECF  
14 No. 3), the parties have engaged in discussions as to the amending of Plaintiff's complaint to  
15 avoid motions practice. Accordingly, it is proposed, requested, and stipulated that the time within  
16 which Defendants are required to respond to Plaintiff's complaint be extended to **May 20,**  
17 **2023**—to allow the Plaintiff to consider filing an amended complaint and allow Defendants time  
18 to respond thereto.

19 5. The parties believe that this extension will streamline the case and help avoid  
20 unnecessary motion practice.

21 **NO FURTHER EXTENSIONS WILL BE GRANTED.**

22 **ORDER**

23 **IT IS SO ORDERED.**

24  
25  
26   
UNITED STATES MAGISTRATE JUDGE

27 Dated: May 8, 2023  
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